

certain equipment to the City of Mount Pleasant.

H. C. R. No. 8, Relating to the requirements of the Social Security Board regarding employees of the State Department of Public Welfare.

House Concurrent Resolution 11

Senator Shivers called for the reading and consideration at this time of H. C. R. No. 11, received from the House on yesterday.

The President Pro Tempore then laid before the Senate and had read:

H. C. R. No. 11, Providing for sine die adjournment on Friday, September 19, 1941, at 6:00 o'clock p. m.

The resolution was adopted by the following vote.

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

Adjournment

On motion of Senator Cotten, the Senate, at 5:20 o'clock p. m., adjourned until 11:00 o'clock a. m. tomorrow.

SEVENTH DAY

(Thursday, September 18, 1941)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Beck.

The roll was called, and the following Senators were present:

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Hill
Cotten	Isbell
Fain	Kelley

Lanning
Lemens
Lovelady
Martin
Mauritz
Metcalfe
Moffett
Moore
Ramsey

Shivers
Smith
Stone
Sulak
Van Zandt
Vick
Weinert
Winfield
York

A quorum was announced present. The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Message from the House

A Clerk from the House was recognized by the President Pro Tempore to present the following message:

Hall of the House of Representatives,
Austin, Texas,
September 18, 1941.

Hon. E. Harold Beck, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 34, A bill to be entitled "An Act granting permission to W. F. Masterson, and wife, Dora Masterson, to file and prosecute suit against the State of Texas and the State Highway Commission to ascertain and fix the amount, if any due said W. F. Masterson and wife, Dora Masterson for damages and compensation sustained by them by reason of the State of Texas and The State Highway Department bringing suit compelling them to take up and remove the concrete sidewalk, pillars and awning and underground tanks and pipe lines and gasoline pumps from the 10 foot sidewalk abutting their property, lots 17 and 18 in block 7 in the GCC & S E RR Co. Addition to the Town of Cresson, Texas, and the compensation, if any, to which said W. F. Masterson and wife Dora Masterson may be entitled by reason of the State of Texas and the State Highway Department compelling them to remove their said improvements from

the sidewalk along Logan Street in Cresson, Texas, and permitting the rendition of judgment for such damages and compensation, if any, as may be ascertained by such suit; that such suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between ordinary persons or corporations, citizens of the State of Texas; providing for a right of appeal by either party; providing for the services of citation on the State and the State Highway Commission; providing that such suit may be original suit or by amendment and cross action in Cause No. 4161 in the District Court of Hood County, Texas, now pending, styled Hood County, the State of Texas intervenor, vs. W. F. Masterson, et ux; providing the time in which such suit may be brought; providing the time in which such suit may be brought; providing that the State of Texas and State Highway Commission may plead any defense available to it, except the statutes of limitation; and permitting the rendition of judgment for such damages and compensation, if any, as may be ascertained by such suit, that partial invalidity hereof does not invalidate this whole bill; and declaring an emergency."

H. B. No. 36, A bill to be entitled "An Act to reorganize the Thirteenth, Ninetieth, and Ninety-seventh Judicial Districts of the State of Texas; providing for holding the district courts and terms in said judicial districts respectively; providing that all process and writs heretofore issued, and that all recognizances and bonds heretofore made and executed and returnable to existing terms of district courts in the counties composing said districts, together with jurors heretofore selected, are valid and returnable to the first term of such court after this Act takes effect; providing that the county attorneys of the respective counties within said Ninety-seventh Judicial District shall perform the duties of district attorneys in their counties as well as the duties now performed by them, and providing fees of office for such county attorneys; providing for the jurisdiction of said district courts, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; providing the effective date of the Act;

repealing all conflicting laws; and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act prohibiting the killing of deer in Harrison and Marion Counties for a period of five (5) years, ending November 16, 1946."

H. B. No. 41, A bill to be entitled "An Act creating a Special Road Law for Karnes County, Texas; authorizing the commissioners' court of said county to issue funding bonds and/or funding warrants for the purpose of funding outstanding scrip warrants and/or time warrants issued against the road and bridge fund of said county; providing that it shall not be necessary to give notice of intention to issue such funding bonds and/or time warrants or to submit the question to an election; validating such scrip and time warrants; providing the method of issuing same and providing they shall not bear more than five (5%) per cent interest per annum; providing that the commissioners' court shall levy a tax sufficient to pay the interest thereon and the principal thereof as they respectively mature; making the general laws pertaining to roads and bridges applicable to Karnes County when not in conflict with the provisions of this Act; providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid such holding shall not affect the other portions thereof; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 42, A bill to be entitled "An Act granting to the City of Austin, Texas, the right to establish, erect, operate and maintain, separately or in conjunction with the United States Government of any of its agencies, particularly such agencies as may be a part of the National Defense Program, a Public Assembly Hall and Recreation Center upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in the City of Austin; and changing the designation upon the map of the City of Austin of said tract from 'Public Square' to 'Public Assembly Hall and Recreation Square', so as to grant to the City of Austin for fifty (50) years the said land for a Public Assembly Hall and Recreation Center; and retaining title in

the State of Texas; repealing all laws or parts of laws conflicting herewith; and declaring an emergency."

H. B. No. 43, A bill to be entitled "An Act regulating the official ballot and requiring the county committee to print a minimum of four official ballots for each county for primary elections, otherwise as pursuant to Article 3109, Revised Civil Statutes of Texas, differing only with respect to the office of county commissioner; providing for the furnishing of same to election officials corresponding to commissioners' precincts and requiring such officials to determine in which commissioners' precinct a voter resides before furnishing him with a ballot; and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act authorizing two or more cities of more than one hundred thousand (100,000) population according to the last preceding Federal Census or any future Federal Census to jointly acquire airports by purchase, gift, devise, or by the power of eminent domain, or in any other lawful manner. The land may be located wholly within the county of any one of said cities, or partly in the county of one of them and partly in the county of any of the other cities affected, with full power to improve, manage, control or lease said airports upon terms agreeable to said cities; and providing that this Act shall be cumulative of all other laws or charter provisions relating to the same subject; and declaring an emergency."

H. B. No. 46, A bill to be entitled "An Act to prohibit the taking of minnows to be used as a bait or for the purpose of barter or sale from the waters of the lake impounded by Medina Dam in Medina and Bandera Counties; providing a penalty; repealing all laws in conflict; and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act to amend H. B. No. 618, Acts of the Forty-seventh Legislature, which amended Article 2779 of the Revised Civil Statutes of Texas, by adding Article 2779a, so as to remove therefrom the provisions applicable to counties having a population of not less than fifty-one thousand, three hundred and twenty-five (51,325) and no more than fifty-four thousand, two hundred (54,200), according to the last Federal Census; and declaring an emergency."

H. B. No. 51, A bill to be entitled "An Act providing that in all counties having a population of more than three hundred and fifty thousand (350,000) and less than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census in the State of Texas having county courts at law, the judges of such courts may act for the county judge in probate or guardianship proceedings or matters, also in juvenile and lunacy cases; providing that any such act and judgment of any such judge of the county court at law shall be valid and binding upon all parties the same as if rendered by the county judge; providing that this Act shall not deprive the parties interested in any case pending in the county court to appoint a proper person to try such case in the manner provided by the Constitution of this State when the judge of the county court in such case is disqualified; providing that no additional compensation or salary shall be paid to the judge of any such county court at law for such additional powers and duties conferred upon such judges of the county courts at law by this Act; providing this Act shall not apply to any county having a population of more than three hundred and fifty thousand (350,000) according to the last Federal Census; providing for the repealing of all laws and parts of laws in conflict with this Act; and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than seventeen thousand three hundred seventy-five (17,375) and not more than seventeen thousand three hundred eighty-three (17,383), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such commissioner, to pay the expenses of operation and repair of such automobile so used by him, without further expense to the county; and declaring an emergency."

H. B. No. 53, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission of Texas to enter into cooperative agreements with the United States for the protection and management of wildlife resources on certain national forest

lands in Texas situated in the Counties of Angelina, Jasper, Nacogdoches, San Augustine, Houston, Trinity, Sabine, Shelby, Montgomery, San Jacinto and Walker and to restock and protect the same; authorizing the Game, Fish and Oyster Commission to close hunting and fishing within such lands, to prescribe seasons for hunting and fishing therein, to fix hunting and/or fishing license fees for hunting or fishing therein and to provide for disposition of same, to prescribe the number and size of animals and fish to be taken and to provide conditions under which same may be taken; prescribing penalty for violations of the rules and regulations promulgated by the Game, Fish and Oyster Commission and for other purposes; and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act amending Article 198 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Act of the Forty-sixth Legislature, 1939, page 148, Section 1, relating to and designating the Supreme Judicial Districts of the State of Texas, by transferring Kent County from the Seventh Supreme Judicial District to the Eleventh Supreme Judicial District; providing that this Act shall not affect the jurisdiction of the Court of Civil Appeals for the Seventh Supreme Judicial District in cases appealed from Kent County, in which the transcript shall have been filed in said court prior to the date this Act takes effect; provided that in all cases from Kent County in which appeal or writ of error has been perfected, but the transcript not filed in the Court of Civil Appeals for the Seventh Supreme Judicial District prior to the effective date of this Act, the record of such case or cases shall be filed in the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas, which shall have jurisdiction; provided further, that in any case from a trial court in Kent County, in which appeal or writ of error may be perfected after the passage of this Act, but before its effective date, if the transcript be filed in the Court of Civil Appeals for either the Seventh or the Eleventh Supreme Judicial District of Texas within the time otherwise provided by law, such appeal shall not be dismissed for failure to file the transcript in the proper court, but if filed in the wrong court, the clerk thereof shall transmit the record, to-

gether with a transcript of any orders made in the case, to the proper court having jurisdiction; and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act making it lawful to catch or take by the use of the hands or with or without poles or lines in the manner commonly known as grappling, mut cat, earp, buffalo or shad fish in the waters of McLennan County. All laws or parts of laws in conflict with this Act are hereinafter repealed. The fact that McLennan County after the opening and closing of the gates of Lake Waco has a great number of the above named fish deposited among rocks and gravel in the bed of the Bosque River which will lay there and die, becoming a menace to the public, thereby creating an emergency which makes it necessary that the constitutional rule requiring all bills to be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be enforced from and after its passage, and it is so enacted."

H. B. No. 56, A bill to be entitled "An Act providing for a budget system in counties of three hundred and fifty thousand (350,000) inhabitants or more and less than five hundred thousand (500,000) inhabitants, as shown by the last preceding or any future Federal Census, and the procedure thereunder, and the enforcement thereof, and for reports with respect to said budget, and the finances of said counties and providing for the contents of said reports and their publication; and repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 57, A bill to be entitled "An Act to amend Article 1113 of the Revised Civil Statutes of Texas as amended by the Acts of the Forty-third Legislature, page one hundred twenty-two (122), by adding Article 1113A, to provide that where a city or town at the time of, or prior to the purchase or acquisition of sanitary sewer system, has authorized the issuance of bonds for the purchase, improvement, extension, enlargement, repair, and construction of a sanitary sewer system for said city or town. has voted bonds for such purchase and all such bonds have not been issued, the remaining amount of bonds so authorized may be issued and sold; further providing how such bonds may be designated if issued at the time

the outstanding bonds are sold; and declaring an emergency."

H. B. No. 59, A bill to be entitled "An Act providing that any city or town owning a sanitary sewer system, which has authorized the issuance of bonds secured by a pledge of the revenue and the mortgage of the physical properties of such system or either of such, for the purchase, improvement, enlargement, repair, and construction of such system, where all of said bonds so authorized have not been issued, may issue and sell said remaining bonds; providing for refunding outstanding bonds as well as the remaining bonds authorized; providing for the issuance of refunding bonds and their security; providing for securing the consent and approval of holders of outstanding bonds before the issuance of bonds as provided in the Act; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Request to Introduce Concurrent Resolution

Senator Hill requested that he be permitted to offer at this time a concurrent resolution to authorize certain persons to sue the State.

Senator Metcalfe raised the point of order that the resolution relates to a subject not included in the proclamation of the Governor convening the Legislature in special session and its introduction and consideration would be in violation of the Constitution.

The President Pro Tempore sustained the point of order.

At Ease

On motion of Senator Hill, the Senate, at 11:35 o'clock agreed to stand at ease subject to call of the President Pro Tempore.

The Senate was called to order by the President Pro Tempore at 12:05 o'clock p. m.

Request for Executive Session

Senator Martin asked unanimous consent that the Senate go into executive session immediately.

The President Pro Tempore announced that there was objection to the request at this time.

Senate Concurrent Resolution 1

Senator Shivers offered the following resolution:

S. C. R. No. 1, Authorizing certain corrections in the enrolled copy of H. B. No. 6.

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the Engrossing and Enrolling Clerk of the House be instructed to make the following corrective changes in H. B. No. 6:

1. By striking out the date "January 2, 1939" in the last paragraph on page 5, and inserting in lieu thereof the date "January 2, 1941" to clarify definition of lateral roads.

2. By striking out on page 20 of the mimeographed copy of H. B. No. 6, line 10, the word "calendar" and inserting in lieu thereof the word "fiscal."

3. By reinserting on page 20 of the mimeographed copy of H. B. No. 6, line 6, after the words "rights of way acquisitions" the following amendment previously adopted which was through error omitted from the Lovelady amendment rewriting that Section of the Act:

"The board shall require from each county a sworn statement of outstanding rights-of-way indebtedness incurred on State designated highways and in the event a false statement is furnished the board by any county, or where any county fails or refuses to file a report, then such county shall be denied any benefits under this Section; it being the duty of the board before distributing any funds to any county under this Section where such county submits a report that it has no right-of-way indebtedness, or where said report is vague or indefinite, to audit and determine the correctness of such report."

SHIVERS,
LOVELADY,
GRAVES.

The resolution was read and was adopted.

Resolution Signed

The President Pro Tempore signed, in the presence of the Senate, the following enrolled resolution:

H. C. R. No. 11, Providing for sine die adjournment on Friday, September 19, 1941.

Executive Session

On motion of Senator Martin, and by unanimous consent, the Senate, at 12:10 o'clock p. m., went into executive session to consider nominations of the Governor.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had adopted the following reports:

Committee Room,
Austin, Texas
September 17, 1941

Hon. E. Harold Beck, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a Member of the State Board of Water Engineers for a six year term expiring August 19, 1947:

A. H. Dunlap of Barstow, Ward County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
September 17, 1941.

Hon. E. Harold Beck, President of the Senate.

Sir: We, your Committee on Nominations by the Governor to whom was referred the following nominations:

To be Members of the Board of Directors of the Upper Red River Flood Control and Irrigation District, for six year terms to expire July 3, 1947:

Tom J. Dunbar of Memphis, Hall County;

J. A. Whaley of Memphis, Hall County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

MARTIN, Chairman.

Committee Room,
Austin, Texas,
September 17, 1941.

Hon. E. Harold Beck, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be a Member of the Board of Regents of Texas State Teachers Colleges to fill the unexpired term of Mrs. Oveta Culp Hobby, resigned, term expiring January 10, 1947:

Colonel J. E. Josey of Houston Harris County.

Have had the same under consideration, and do recommend that he be in all things confirmed.

MARTIN, Chairman.

The President Pro Tempore called the Senate to order as in legislative session at 12:30 o'clock p. m.

Adjournment

On motion of Senator Lovelady, the Senate, at 12:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

EIGHTH DAY

(Friday, September 19, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Beck.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

The invocation was offered by the Reverend James J. O'Brien, C.S.C.,